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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,480	11/13/2003	William L. Ball	GP-303855 (2760/120)	8336

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EXAMINER
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PASS, NATALIE

ART UNIT	PAPER NUMBER
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3686

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08/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/712,480	<b>Applicant(s)</b> BALL, WILLIAM L.	
	<b>Examiner</b> Natalie A. Pass	<b>Art Unit</b> 3686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,7,9-11,13 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,7,9-11,13 and 16-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Notice to Applicant***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 May 2009 has been entered.

2. This communication is in response to the Request for Continued Examination and amendment filed on 18 May 2009. Claims 1, 11, and 17 have been amended. Claims 4-6, 8, 12, 14-15 have been previously canceled. Claim 23 has been newly added. Grounds of rejection for claims 1-3, 7, 9-11, 13, 16-23 are presented in the instant application as set forth in detail below.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 9, 11, 13, 17, 20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al., (2001/0034223) in view of Tagawa et al. (5949152).

(A) As per newly amended claim 11, Rieser teaches a method for providing medical information of a vehicle user, the method comprising:

storing a “unique transmitter ID number” (reads on “an encryption code”) in a key device, the encryption code associated with the medical information stored in a database (Reiser; Figure 2B, Item 255, paragraphs [0026]-[0027], [0050], [0094]-[0095], [0173], [0306]);

transmitting the encryption code from the key device to a “base station mounted in a vehicle” (reads on “vehicle storage unit”) (Reiser; paragraph [0075]) and storing the transmitted encryption code in the vehicle storage unit prior to an emergency event (Reiser; Abstract, Figure 2B, Item 255, paragraphs [0050], [0075]-[0076], [0311]); Examiner interprets Reiser’s teachings of “ ... [...] ... [t]he benefit of using a transmitter identification number to retrieve personal identification information from a data base [i.e. stored “prior to an emergency event”] is that a large amount of information, which is useful in responding to a call for assistance [i.e. in response to the emergency event], can be retrieve [sic] at a command center in an accurate and expeditious manner” (Reiser; paragraph [0050]), to teach a form of storing the transmitted encryption code in the vehicle storage unit prior to an emergency event;

transmitting, from the vehicle storage unit to an in-vehicle telematics unit and from the in-vehicle telematics unit to a “command center” (reads on “call center”), the temporarily stored encryption code in response to the emergency event (Reiser; Abstract, Figure 2B, Item 255, paragraphs [0050], [0075]-[0076], [0114], [0173], [0176], [0311]); Examiner interprets Reiser’s teachings of “the transmitter identification number ... [...] ... is used to retrieve personal identification information. In an embodiment, the transmitter identification number is used as an

index to a record in a data base. The data base record contains personal identification information about the person to whom the transmitter was issued, such as the person's name, address, and medical history. ... [...] ... The benefit of using a transmitter identification number to retrieve personal identification information from a data base is that a large amount of information, which is useful in responding to a call for assistance [i.e. in response to the emergency event], can be retrieve [sic] at a command center in an accurate and expeditious manner” (Reiser; paragraph [0050]), together with the other paragraphs cited above to teach a form of this limitation;

transmitting the encryption code from the call center to an emergency personnel (Reiser; paragraphs [0050], [0173], [0176], [0195]); and

accessing, via the emergency personnel, the medical information from the database using the encryption code (Reiser; paragraphs [0050], [0173], [0176], [0195]).

Although Reiser teaches a computer system utilizing random access memory, or transient memory or temporary storage of information within memory (Reiser; paragraph [0081]), Reiser fails to explicitly disclose “temporarily” storing the transmitted encryption code in the vehicle storage unit.

However, the above features are well-known in the art, as evidenced by Tagawa .

In particular, Tagawa teaches a method comprising “tentatively” (reads on “temporarily”) storing the transmitted encryption code in the vehicle storage unit (Tagawa; Abstract, column 2, lines 47-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Reiser to include these limitations, as taught by Tagawa,

with the motivations of allowing the information in the vehicle information system to be rapidly accessed (read or written) directly by the CPU in a very short time (Tagawa ; Abstract, column 5, lines 14-19).

(B) As per claim 20, Reiser and Tagawa teach a method as analyzed and discussed in claim 11 above

wherein prior to storing the encryption code in the key device, the method further comprises:

associating the encryption code with the medical information of the vehicle user (Reiser; Figure 2B, Item 255, paragraphs [0026]-[0027], [0050], [0094]-[0095], [0173], [0306]);

storing the encryption code in the database (Reiser; Figure 2B, Item 255, paragraphs [0026]-[0027], [0050], [0094]-[0095], [0173], [0306]); and

transferring the encryption code from the database to the key device (Reiser; paragraphs [0075], [0114], [0287]).

(C) As per claim 13, Reiser and Tagawa teach a method as analyzed and discussed in claims 11 and 20 above

wherein the transferring of the encryption code from the database to the key device is accomplished using a local short range wireless network or a wired connection (Reiser; paragraphs [0044], [0084], [0290], [0295]-[0297]).

(D) As per claim 22, Reiser and Tagawa teach a method as analyzed and discussed in claim 11 above

wherein the encryption code is temporarily stored in the vehicle storage unit i) while a vehicle ignition is operating; or ii) for a predetermined amount of time after the vehicle ignition is turned off (Reiser; paragraphs [0075]-[0076], [0311]-[0312]).

(E) Amended claim 1 differs from amended method claim 11, in that it is a system rather than a method for providing medical information of a vehicle user.

System claims 1-3 repeat the subject matter of claims 11, 13, 11, respectively, as a set of elements rather than a series of steps. As the underlying processes of claims 11 and 13 have been shown to be fully disclosed by the teachings of Reiser and Tagawa in the above rejection of claims 11 and 13, it is readily apparent that the system disclosed by Reiser and Tagawa includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claims 11 and 13, and incorporated herein.

(F) As per claim 9, Reiser and Tagawa teach a system as analyzed and discussed in claim 1 above

wherein the key device comprises a key including an embedded microchip having a persistent memory storage for storing the encryption code (Reiser; paragraph [0095]).

(G) Amended system claim 17 repeats the subject matter of amended claim 1, respectively, as a set of “means-plus-function” elements rather than a series of system elements. As the underlying elements of claim 1 have been shown to be fully disclosed by the teachings of

Reiser and Tagawa in the above rejections of claim 1, it is readily apparent that the system disclosed by Reiser and Tagawa includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claim 1, and incorporated herein.

5. Claims 16, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al., (2001/0034223) and Tagawa et al. (5949152), as applied to claim 11 above, and further in view of McCalmont et al., (2003/0109245).

(A) As per claim 16, Reiser and Tagawa teach a method as analyzed and discussed in claim 11 above.

Although Reiser teaches “[t]he data base record contains personal identification information about the person to whom the transmitter was issued, such as the person's name, address, and medical history ... [...] ...” (Reiser; [0050]), Reiser and Tagawa fail to explicitly disclose wherein the medical information comprises medical records of the vehicle user.

However, the above features are well-known in the art, as evidenced by McCalmont.

In particular, McCalmont teaches a method wherein the medical information comprises medical records of the vehicle “occupant”(reads on “user”) (McCalmont; paragraphs [0047], [0057]-[0058], [0060]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Reiser and Tagawa to include these limitations, as taught by McCalmont, with the motivations of providing an emergency triage service to vehicle



occupants over a “wide geographic area” whereby “a request for emergency services initiated by a personal medical alarm may include identifying information that allows the call center 212 to retrieve information from the call center database 264 regarding preexisting medical conditions” (McCalmont; Abstract, paragraph [0060]).

(H) System claim 19, repeats the subject matter of claim 16, respectively, as a set of elements rather than a series of steps. As the underlying processes of claim 16 have been shown to be fully disclosed by the combined teachings of Reiser, Tagawa and McCalmont in the above rejection of claim 16, it is readily apparent that the system disclosed collectively by Reiser, Tagawa and McCalmont includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claim 16, and incorporated herein.

6. Claims 7, 10, 18, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al., (2001/0034223) and Tagawa et al. (5949152), as applied to claims 1, 11 and 17 above, and further in view of Treyz et al., (6526335).

(A) As per claim 21, Reiser and Tagawa teach a method as analyzed and discussed in claim 11 above.

Reiser and Tagawa fail to explicitly disclose a method wherein after storing the encryption code in the key device, the method further comprises initiating an ignition cycle of the vehicle.

However, the above features are well-known in the art, as evidenced by Treyz.

In particular, Treyz teaches a method

wherein after storing the encryption code in the key device, the method further comprises initiating an ignition cycle of the vehicle (Treyz; column 23, lines 23-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Reiser to include these limitations, as taught by Treyz, with the motivations of providing an “improved automobile personal computer system ... [...] ...” and to “ensure security when controlling an automobile over a wireless link” (Treyz; column 1, lines 20-22, column 2, lines 45-47).

The motivations for combining the respective teachings of Reiser and Tagawa are as given in the rejection of claim 11 above, and incorporated herein.

(B) As per claim 10, Reiser and Tagawa teach a system as analyzed and discussed in claims 1 and 3 above above.

Reiser and Tagawa fail to explicitly disclose a system further comprising: a biometric sensor located on the key fob and operably connected to the controller, the biometric sensor for sensing biometric data of at least one vehicle user.

However, the above features are well-known in the art, as evidenced by Treyz.

In particular, Treyz teaches a system further comprising: a biometric sensor located on the key fob and operably connected to the controller, the biometric sensor for sensing biometric data of at least one vehicle user (Treyz; column 15, lines 9-18).

The motivations for combining the respective teachings of Reiser, Tagawa and Treyz are as given in the rejections of claims 11 and 21 above, and incorporated herein.

(C) System claim 18 repeats the subject matter of claim 10, respectively, as a set of “means-plus-function” elements rather than a series of system elements. As the underlying elements of claim 10 have been shown to be fully disclosed by the combined teachings of Reiser, Tagawa and Treyz in the above rejections of claim 10, it is readily apparent that the system disclosed by Reiser, Tagawa and Treyz includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for claim 10, and incorporated herein.

(D) As per claim 7, Reiser and Tagawa teach a system as analyzed and discussed in claim 1 above.

Reiser and Tagawa fail to explicitly disclose a system further comprising: a plurality of sensors for detecting damage to the vehicle during the emergency event, the plurality of sensors operably connected to the telematics unit, wherein when the emergency event occurs, at least one of the plurality of sensors sends a signal to the telematics unit indicating that the emergency event has occurred.

However, the above features are well-known in the art, as evidenced by Treyz.

In particular, Treyz teaches a system further comprising:

a plurality of sensors for detecting damage to the vehicle during the emergency event, the plurality of sensors operably connected to the telematics unit, wherein when the emergency event

occurs, at least one of the plurality of sensors sends a signal to the telematics unit indicating that the emergency event has occurred (Treyz; Figure 4, Figure 32, column 16, line 53 to column 17, line 12, column 34, lines 24-45).

The motivations for combining the respective teachings of Reiser, Tagawa and Treyz are as given in the rejection of claims 11 and 21 above, and incorporated herein.

(E) As per newly added claim 23, Reiser, Tagawa and Treyz teach a method as analyzed and discussed in claims 11 and 21 above

wherein upon the initiating of the ignition cycle of the vehicle, the method further comprises transmitting the encryption code from the key device to the vehicle storage unit (Tagawa; Abstract, column 5, lines 32-28).

The motivations for combining the respective teachings of Reiser, Tagawa and Treyz are as given in the rejection of claims 11 and 21 above, and incorporated herein.

### ***Response to Arguments***

7. Applicant's arguments filed 18 May 2009 have been fully considered but they are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied references Rai et al., U.S. Patent Number 7068993, Burge,

U.S. Patent Application Publication Number 20020103622, and the articles teach the environment of transmitting codes and medical information from mobile devices.

Royal Ford. (2000, March 17). Telematics will keep you in touch: Your wired car can summon help when you can't :[Final Edition]. Edmonton Journal,p. H8. Retrieved August 9, 2009, from Canadian Newsstand Complete. (Document ID: 220681141).

Dave Boe. (1998, November 16). OnStar links up with Naperville medical information firm :[Lake Edition]. Daily Herald, p. 1. Retrieved August 9, 2009, from ProQuest Newsstand. (Document ID: 36037256).

Royal Ford, Globe Staff. (2000, March 4). Telematics: Interactive System Is The Next Word In Communication :[Third Edition]. Boston Globe,p. D.1. Retrieved August 9, 2009, from Business Dateline. (Document ID: 50786088).

Volvo Cars of North America Unveils Their First Telematics System For 2003 Models. (7 October). PR Newswire,1. Retrieved August 9, 2009, from Business Dateline. (Document ID: 205668491).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (571) 272-6774. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/N. A. P./  
Examiner, Art Unit 3686  
August 11, 2009

/Gerald J. O'Connor/  
Supervisory Patent Examiner  
Group Art Unit 3686